

## **REMARKS**

### **Summary**

Claims 1-4, 7-10, 13-15, 18-20, 22-25, 43-45, 48, 50-52, and 61-80 were pending. In the present response, claim 73 is cancelled and claims 1-3, 13, 14, 43, 44, 65-72, 74-76, and 78-80 are amended. No new matter has been added.

In several instances, the claims have been amended to change the term “user” to the term “client.” The term “client” is supported by the Specification in Figure 1 and the associated text identifying client 100.

Accordingly, claims 1-4, 7-10, 13-15, 18-20, 22-25, 43-45, 48, 50-52, 61-72, and 74-80 are pending and under consideration.

### **Rejections Under 35 USC 112, Second Paragraph**

#### **Claims 1-4, 7-10, 13-15, 18-20, 22-25, 43-45, 48, 50-52, and 61-80**

Claims 1-4, 7-10, 13-15, 18-20, 22-25, 43-45, 48, 50-52, and 61-80 were rejected under 35 USC 112, second paragraph. Applicants respectfully request reconsideration and withdrawal of the rejections.

Claim 73 was cancelled herein thus obviating the rejection of the claim.

The Office Action poses the question, “[h]ow does the billing service determine that the billing data was indeed used with the first website?” The Office Action indicates that the “claim is silent as to what specific data or information is provided or included in the notification of usage of the billing data.” Claim 1 provides “said billing service receiving notification of usage of the first billing data after the first billing data has been used to conduct a transaction.” In addition, claim 1, as amended, also provides “said notification of usage of the first billing data including identification of an entity with which the first billing data was used” and “comparing identity of the first entity against identity of the first web site.” Identification of the entity with which the first billing data was used, and comparison with the identity of the web site, enables the billing service to determine whether use of the first billing

data is valid, including determining whether the first billing data was used with the first web site.

The Office Action further rejects the claims because “associating a billing data with a specific website does not affect the process of usage of the billing data.” However, the claims need not be limited in such a manner. An association between billing data and a web site enables usage of the billing data to be verified as noted above. The billing data does not have to be restricted to use with a particular web site (although if desired it may be so restricted), but the usage nonetheless may be verified/tracked and information about such usage may be utilized further in a variety of ways. As noted in the Specification, usage of the billing data may be verified to enable dispute of charges (based on an intended use), to provide billing statements, which may identify whether the billing data was used with the intended web site or not, and so on. See the Specification, for example, at page 12, line 20 to page 13, line 16. The claims thus do not recite a restriction of the usage of the billing data to a particular web site, as the billing data is not necessarily so restricted. For example, claim 1 recites the association of the billing data and the web sites, without restriction of the usage of the billing date, which facilitates verification by the billing service of validity of the usage of the first billing data, including determining whether the first billing data was used with the first web site.

The Office Action also poses a question regarding how the billing service receives the association between the billing data and a website if the association is made by the user. Claim 1 specifically identifies that when the billing data has been associated with a web site by the user, the billing service receives notification of the association. Support for the communication from the user to the billing service regarding the web site the user has engaged or is intending to engage may be found in the Specification at page 11, line 19 to page 12, line 4, and page 13, lines 3-8.

Finally, the Office Action rejects the claims for failing to state an outcome, such as for failing to state an outcome of the method of claim 1. While claim 1 does not recite every operation that may be conducted by the billing service, claim 1 does identify that the billing service determines whether use of the first billing data is valid, including determining whether the first billing data was used with the first web site by

comparing identity of the entity against identity of the web site. The recited operations are clear and definite. While the determination of validity of the usage of the billing data may be further used in a variety of ways as detailed in some of the dependent claims and as described in the Specification, Applicants are not required to state any such further operations in the independent claims.

Thus, Applicants submit that claims 1-4, 7-10, 13-15, 18-20, 22-25, 43-45, 48, 50-52, 61-72, and 74-80 are definite, and respectfully request reconsideration and withdrawal of the rejections.

### Claims 72 and 73

Claims 72 and 73 were rejected under 35 USC 112, second paragraph. Applicants respectfully request reconsideration and withdrawal of the rejections.

Claim 73 was cancelled herein thus obviating the rejection of the claim.

Claim 72 was rejected for containing features using “means for” language. The Office Action alleges that the Specification fails to provide structure to perform the functions identified in the claim. Applicants disagree.

Figure 1 and the text at page 6, lines 11-21, provide a communication network including clients, businesses, and a billing service. Such a network establishes communication channels for the billing service to communicate with businesses and clients.

In addition, at page 16, line 15 to page 18, line 11, and in Figure 5, the Specification provides a description of a suitable computing environment, including certain program modules and hardware components. This portion of the Specification, for example, describes a computing device 502, including various components, such as processor 506, memory 508, storage 510, and network interface 520 capable of carrying out the various functions of claim 72.

Given the above-identified support, as well as the rest of the Specification, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 72.

### **Rejections Under 35 USC 112, First Paragraph**

Claims 1-4, 7-10, 13-15, 18-20, 22-25, 43-45, 48, 50-52, and 61-80 were rejected under 35 USC 112, first paragraph. Applicants respectfully request reconsideration and withdrawal of the rejections.

The Office Action alleges that the claimed features of the billing data being associated with a web site, and determining whether the billing data was used with the web site, are not enabled by the disclosure in the Specification. The Office Action further states that the “specification fails to teach specific data communication between the billing service, the user and a business entity where the user used the billing data.” Applicants disagree.

"The test of enablement is whether one reasonably skilled in the art could make or use the invention from the disclosures in the patent coupled with information known in the art without undue experimentation." *United States v. Telectronics, Inc.*, 857 F.2d 778, 785, 8 USPQ2d 1217, 1223 (Fed. Cir. 1988). Thus, the Specification is not read in a vacuum and the Specification need not include every detail of every aspect of a claimed invention. That said, the Specification provides sufficient information to enable one of skill in the art to make/use the claimed invention without undue experimentation.

Figure 1 and the text at page 6, lines 11-21, provide a communication network including clients, businesses, and a billing service. That portion of the Specification also notes that billing data is distributed to clients. The network thus provides a well-understood mechanism for communication among clients, businesses, and the billing service utilizing a network.

Further, page 11, line 19 to page 12, line 4, describes communication between the billing service and the user, including identification of the business with which the user will be communicating. Also, “[t]he correspondence between billing data and business is tracked by the client **100** and/or it is tracked by the billing service **106**.” The Specification again describes communication between the billing service and the user/client. Additionally, the Specification notes the

correspondence/association between the billing data and the business with which the billing data is intended to be used may be tracked.

Page 12, line 22 to page 13, line 8, indicates that “[c]harges made against the billing data are received **318** by the billing service in due course through standard financial institutions such as banks, savings and loans, investments houses, and the like. These charges are verified **320** for validity.” The Specification goes on to state that, in an embodiment, “the client informs the billing service of the items purchased (or possibly just item categories) so that the billing service may audit a particular charge to ensure only expected purchases appear on the charge. In one embodiment, the client informs the billing service of billing data that is provided to businesses so as to facilitate verification. For example, the origin of the charge can be compared against the business associated with the billing data.”

Thus, there are multiple locations in the Specification that describe the communication channels that may be utilized by the billing service, businesses, and users/clients to track usage of billing data and to verify the validity of the usage.

Applicants submit that the disclosure of the Specification is sufficiently enabling and provides ample detail for one of skill in the art to determine how to make/use the claimed invention. Applicants thus respectfully request reconsideration and withdrawal of the rejections.

**Conclusion**

In view of the foregoing, Applicants respectfully submit that claims 1-4, 7-10, 13-15, 18-20, 22-25, 43-45, 48, 50-52, 61-72, and 74-80 are in condition for allowance. Early issuance of the Notice of Allowance is respectfully requested.

Please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,  
Schwabe, Williamson and Wyatt, P.C.

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/Steven J. Prewitt/  
Steven J. Prewitt  
Reg. No. 45,023

Pacwest Center  
1211 SW Fifth Ave., Ste 1600-1900  
Portland, Oregon 97204  
Phone: (503) 222-9981  
FAX: (503) 796-2900